



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

July 7, 2005

In re Application of:  
DANIEL J. DAMON

Serial No. : 10/808,048

Group Art Unit: 3618

Filed : March 23, 2004

Examiner: Hau Van Phan

For : BATTERY RETAINER ASSEMBLY FOR  
CHILDREN'S RIDE-ON VEHICLES

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

07/12/2005 LWONDIH1 00000085 10808048

**TERMINAL DISCLAIMER**

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<sup>130,00,00</sup> Mattel, Inc. is the assignee and owner of the entire right, title and interest in and to U.S. Patent Application Serial No. 10/808,048, filed on March 23, 2004, for a BATTERY RETAINER ASSEMBLY FOR CHILDREN'S RIDE-ON VEHICLES.

Assignee hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of any patent granted on U.S. Patent Application Serial No. 10/660,904, which was filed on September 11, 2003, and Assignee hereby agrees that any patent so granted on the above-identified U.S. Patent Application Serial No. 10/808,048 shall be enforceable only for and during such period that legal title to the patent so granted shall be the same as the legal title to any patent granted on U.S. Patent Application Serial No. 10/660,904, this agreement to run with any patent granted on the above-identified U.S. Patent Application Serial No. 10/808,048, and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on U.S. Patent Application Serial No. 10/808,048 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent granted on U.S. Patent Application Serial No. 10/660,904, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned hereby states that he is the attorney of record for Assignee and has the authority to sign this disclaimer.

Signed at Portland, State of Oregon, this 7<sup>th</sup> day of July, 2005.

Respectfully submitted,

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